

REMARKS

Claims 1, 2, 5, 6, 11, 22-24 and 26 are pending in this application. By this Amendment, claims 1, 5 and 22 are amended, claims 3, 4, 7-10, 12-21 and 25 are canceled and claim 26 added. Claim 5 is amended for dependency. Support for amended claim 1 may be found in the original specification at, for example, original claims 3 and 4. Support for amended claim 22 may be found in the original specification at, for example, original claims 4 and 25. Support for new claim 26 may be found in the original specification at, for example, original claims 1, 3, 4 and paragraph [0033]. No new matter is added.

Entry of the amendments is proper under 37 CFR §1.116 because the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The courtesies extended to Applicants' representative by Examiner Ouellette at the interview held January 18, 2008, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicants' record of the interview.

Reconsideration of the application is respectfully requested.

Rejection Under 35 U.S.C. §102(e)

Claims 1-25 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Publication No. 2002/0105665 ("Wasilewski"). Applicants respectfully traverse this rejection.

Claim 1

Wasilewski fails to teach or suggest a method of transferring a computer file from a first storage media to a second storage media including establishing a communication link to a portable electronic device through an IR port, an USB port, or a RS-232 port, as recited in claim 1.

Wasilewski discloses a kiosk with the ability to import photographic images (i.e., scanned from film, transferred digitally from a digital camera, hand-held device, memory device or downloaded from the Internet (see Wasilewski, paragraph [0011])). Wasilewski further discloses that digital files stored on these devices may be transferred to the kiosk via CD, memory card/stick or disk. However, transferring data via a CD, memory card/stick or disk is not the same as directly establishing a communication link to a portable electronic device through an IR port, an USB port, or a RS-232 port, as required in claim 1. That is, the claimed ports allow a direct communication to the portable electronic device. In contrast, the files taken from a device in Wasilewski need to be transferred to a medium such as a CD, memory card/stick or disk before communicating with the kiosk.

Further, certain hand-held devices such as cell phones and PDA's may not have the ability to transfer information to a CD, memory stick or disk. Thus, the only way to transfer information may be to establish communication to such devices through an IR port, an USB port, or a RS-232 port. Wasilewski, teaching only use of memory devices to transfer information, would not have led one of ordinary skill in the art to the method of claim 1.

Claim 22

The system of claim 22 also establishes a communication via an IR port, and a RS-232 port. Thus, for at least the same reasons presented above with respect to claim 1, Wasilewski also fails to teach or suggest claim 22.

New Claim 26

The method of claim 26 also establishes a communication via an IR port, or a RS-232 port. Thus, for at least the same reasons presented above with respect to claim 1, Wasilewski also fails to teach or suggest claim 26.

In addition to the above distinctions, claim 26 is further distinguished by establishing a communication via RF port which is also neither taught nor suggested by Wasilewski.

Conclusion


For at least the foregoing reasons, claims 1, 22 and 26, and dependent claims therefrom, are patentable over the applied reference. Reconsideration and withdrawal of the rejection under 35 U.S.C. §102(e) are respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 2, 5, 6, 11 22-24 and 26 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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